



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

COPY MAILED

NOV 06 2006

In re Application of :
Wiebe, et al. :
Application No. 09/987,159 : ON PETITION
Filed: November 13, 2001 :
Attorney Docket No. 3782-0198P :

OFFICE OF PETITIONS

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.18, filed July 24, 2006.

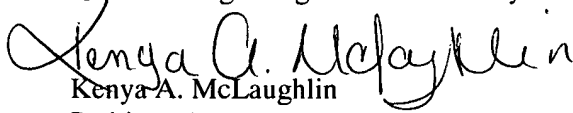
The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is granted.

This application was held abandoned on June 26, 2005, after no response to the Advisory Action mailed September 26, 2005, was received. The record reflects that a final Office action was mailed March 25, 2005, allowing a period for reply of three months from its mailing date. An amendment responsive to the final Office action was filed on June 27, 2005. On September 26, 2005, an Advisory Action was mailed stating that "[t]he final rejection in this application is withdrawn. The amendment filed June 22, 2005, will be entered and treated as an amendment after non-final rejection. An action will be forthcoming." Notwithstanding this communication, a Notice of Abandonment was mailed on May 23, 2006, stating the application is an abandoned status for failure to file a timely response to the notice of September 26, 2005.

The instant petition maintains that no response to the Advisory Action as per Advisory Action itself. The evidence is convincing that application was improperly held abandoned as the Advisory Action did not require a further response, and no action has been issued in response to the amendment filed June 27, 2005. The holding of abandonment is withdrawn, accordingly.

The application file is being forwarded to Technology Center 3600, GAU 3624 for further processing, including issuance of proper action in response to the amendment filed June 26, 2005.

Questions regarding this decision may be directed to the undersigned at (571) 272-3222.


Kenya A. McLaughlin
Petitions Attorney
Office of Petitions